



United States Government

**NATIONAL LABOR RELATIONS BOARD
1015 HALF STREET, SE
WASHINGTON DC 20570**

May 25, 2017

Walter Zimolong
Zimolong LLC
P.O. Box 552
Villanova, PA 19085

Re: Marble Concepts, LLC
Case 04-CA-172029

Dear Mr. Zimolong:

This will acknowledge the Respondent's Petition for Attorney Fees under Section 102.143, et seq. of the Board's Rules and Regulations.

Without reaching the question of whether a party may seek attorney fees and costs pursuant to the Board's Rules and Regulations where a settlement has been reached between the parties, the Respondent's petition herein is untimely. Under §102.148, "[a]n application may be filed after entry of the final order establishing that the applicant has prevailed in an adversary adjudication proceeding or in a significant and discrete substantive portion of that proceeding, but in no case later than 30 days after the entry of the Board's final order in that proceeding." Here, there is no final Board order. The last action that took place in this matter was the Region's approval of the parties' settlement agreement on March 23, 2017. In an attempt to give the filer the greatest benefit of time for the filing of its application, we have applied the 30-day deadline from March 23. Accordingly, the due date for the Respondent's application for attorney fees and costs was 30 days from March 23, or Monday, April 24 (the first business day after the actual due date of Saturday, April 22).¹ The Respondent's application is dated, and was filed on, May 2. Accordingly, the Respondent's application is untimely and will not be referred to the Judge for further consideration.

Very truly yours,

/s/ Farah Z. Qureshi
Associate Executive Secretary

cc: Parties

¹ Even assuming that the Respondent was not aware of the approved agreement until it received a copy, with a letter dated March 31, 2017, from Field Attorney David Rose, the last possible filing date for the petition for attorney fees and costs would have been May 1. See §102.3 (where service is made by mail...the date of service is the day when the document served is deposited in the United States mail).